

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE

LUIS ANGEL POGGI FUENTES  
MIGDALIA MILIAN SANTIAGO

DEBTORS

CASE NO. 18-05636/MCF

CHAPTER 13

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***APPLICATION FOR LEAVE TO RETAIN REAL ESTATE AGENT***

TO THE HONORABLE COURT:

**COME NOW, LUIS ANGEL POGGI FUENTE and MIGDALIA MILIAN SANTIAGO**, the Debtors in the above captioned case, through the undersigned attorney, and respectfully state and pray as follows:

1. The Debtors seeks to employ Edgar J. Diaz of *Diaz Realty*, Urb. Veredas 390 Camino Las Trinitarias, Gurabo PR 00778-9688, to proceed with the sales of a real property pertaining to the bankruptcy estate located at : Candelero Arriba Sector Los Serranos, Humacao Puerto Rico 00791.

2. Edgar J. Diaz of *Diaz Realty* will be responsible of all selling and marketing efforts and will conduct the sales of the aforementioned property in accordance to the notice of sale to be filed with the Court.

3. To the best of the Debtors knowledge, the professional whose employment is sought has no connection with the Trustee, the Debtors, the creditors, any parties in interest, their respective attorneys or accountants, the Office of the US Trustee or any person employed by said Office.

4. The Debtors further believes that in the discharge of Mr. Edgar J. Diaz's duties, the firm and its representative(s) will not hold any interest adverse to the herein Estate and will be a disinterested person as defined by 11 U.S.C. §101 (14), 327.

5. The proposed real estate agent will be paid for its services as follows: In the event of a sale procured by Edgar J. Diaz/*Diaz Realty*, in compliance with the terms, conditions, and minimum price detailed in the notice of sale, Edgar J. Diaz/*Diaz Realty* will receive a commission at the rate of 4.5% of the gross sale price. These commissions are to be paid by the Estate, after notice and allowance by the Court.

**WHEREFORE** the Debtors respectfully requested an Order authorizing the Debtors to retain the service Edgar J. Diaz of *Diaz Realty*, to act as Real Estate Agent for the Debtors in the sale of a real property located at: Candelero Arriba Sector Los Serranos, Humacao Puerto Rico 00791, and for any further relief this Court deems just and proper under the circumstances.

### **NOTICE**

**You are notified that within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.**

**I HEREBY CERTIFY** that a copy of this motion was filed with the Court using the CM/ECF filing system which will send notice of same to all CM/ECF participants, including to: Jose Ramon Carrion Morales, Esq., Chapter 13 Trustee and the US Trustee's Office; Monsita Lecaroz Arribas, Esq., Assistance US Trustee; I also certify that a copy of this motion was sent to the Debtors Luis Angel Poggi Fuentes and Migdalia Milian Santiago, PO Box 116 Yabucoa PR 00767, and to all creditors and all parties in interest (non CM/ECF participants) as per matrix attached.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 17<sup>th</sup> day of February, 2021.

/s/Luis Angel Poggi Fuentes  
LUIS ANGEL POGGI FUENTES

/s/Migdalia Milian Santiago  
MIGDALIA MILIAN SANTIAGO

/s/Roberto Figueroa Carrasquillo  
ROBERTO FIGUEROA-CARRASQUILLO  
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IN THE UNITED STATES BANKRUPTCY COURT  
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**STATEMENT UNDER PENALTY OF PERJURY**  
**PURSUANT TO LBR-DPR 2014-1**

I, **Edgar J. Diaz** of *Diaz Realty*, declare under penalty of perjury as follows:

1. That I am a Real Estate Agent, License No. 4809 duly licensed by the Commonwealth of Puerto Rico.
2. That I am the Real Estate Agent for the Debtors in the sale of a real property located at Candelero Arriba Sector Los Serranos, Humacao Puerto Rico 00791, which property is property of the Estate, in the above captioned case.
3. That I am the Real Estate Agent the Debtors is seeking to employ by the application to which this Declaration is attached as Exhibit #1.
4. That I have more than 20-years of experience in the sales and leasing of residential and commercial real properties, that I am qualified to serve as Real Estate Agent to the herein Debtors and I am willing to accept employment on the basis set forth in the annexed application.
5. That my office is located at: Urb Veredas Camino Las Trinitarias 390 Gurabo PR 00778-9688.
6. That to the best of my knowledge I hold no interest adverse to the above entitled estate and I am a disinterested person as defined in 11 U.S.C. §101(14), nor am I, to the best of my knowledge, related or otherwise connected with Debtors, the United States Trustee, Debtors, the United States Trustee, Debtors counsel or any person employed by the Office of the United States Trustee other party in interest.

7. That there is no agreement to share any compensation or reimbursement to be received by any person or entity, that I will amend this statement immediately upon the learning that: (a) any of the representations made herein are incorrect, or (b) there is any change of circumstance relating thereto, and that I have reviewed the provisions of LBR 2016-1.

8. That the terms of compensation agreed to are as follows: a 4.5% commission of the gross sales price. I have not received a retainer in this case.

I declare under penalty of perjury that the foregoing is true and correct, as provided in 28 USC Section 1746, to the best of my knowledge.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 17<sup>th</sup> day of February 2021.

/s/Edgar J Diaz  
EDGAR J. DIAZ  
REAL ESTATE AGENT/DIAZ REALTY  
URB VEREDAS 390  
GURABO PR 00778-9688  
TEL. 787-486-4033

**DIAZ REALTY LIC.4809**  
**EDGAR J. DIAZ SOLA**

URB. VEREDAS # 390 CAMINO LAS TRINITARIAS  
GURABO P.R. 00778-9688

CEL. 787-486-4033  
[edgarjdiaz@aol.com](mailto:edgarjdiaz@aol.com)

**EXPERIENCIA**

DIAZ REALTY ENERO 2007 AL PRESENTE

VENTAS O ALQUILERES : RESIDENCIALES ,COMERCIALES ,INDUSTRIALES ,TERRENOS .

RUDY HERNANDEZ REAL ESTATE JUNIO 2002

VENTAS O ALQUILERES : RESIDENCIALES ,COMERCIALES ,INDUSTRIALES ,TERRENOS

PROYECTO: BOSQUE VERDE, CAGUAS 18 RESIDENCIAS.

ADVANCE REALTY ENERO 1999

VENTAS O ALQUILERES :RESIDENCIALES 47,COMERCIALES 2,INDUSTRIALES 7,TERRENOS 6.

VILLA MARINA REALTY ENERO 1990

EL EXAMEN DE CORREDOR DE BIENES RAICES FUE TOMADO EN 27 DE DICIEMBRE DE 1989.

LA LICENCIA DE BIENES RAICES FUE RECIBIDA EN ENERO DEL 1990.

BRAZIL IMPORTS 1991

ADMINISTRADOR Y REPRESENTANTE EXCLUSIVO DE LINEAS DE ROPA DE PLAYA PARA PUERTO RICO Y ISLAS VIRGENES.

OSMAR & ASSOCIATES 1989 AL 1991

EJECUTIVO DE CUENTAS. VENTAS A NEGOCIOS COMERCIALES DE PROMOCION, DISENOS GRAFICOS E IMPRESOS.

**EDUCACION Y ENTRENAMIENTOS**

UNIVERSIDAD DE PUERTO RICO HUMACAO, PR. 1995  
BACHILLERATO EN ADMINISTRACION DE EMPRESAS

QUALITY SALES REPRESENTATIVE SAN JUAN PR. 1998

CERTIFICACION DE REPRESENTANTE MEDICO

Label Matrix for local noticing  
0104-3  
Case 18-05636-MCF13  
District of Puerto Rico  
Old San Juan  
Tue Feb 16 12:43:17 AST 2021

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Harrisburg, PA 17106-9184

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End of Label Matrix  
Mailable recipients 15  
Bypassed recipients 0  
Total 15

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Jose V Toledo Fed Bldg & US Courthouse  
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San Juan, PR 00901-1964

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